

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA and
STATE OF FLORIDA *ex rel.*
OMNI HEALTHCARE, INC.

Plaintiffs,

v.

STEWARD HEALTH CARE SYSTEM LLC;
STEWARD HEALTH CARE HOLDINGS LLC;
STEWARD HEALTH CARE INVESTORS, LLC;
CERBERUS CAPITAL MANAGEMENT, L.P.;
STEWARD PHYSICIAN CONTRACTING, INC;
STEWARD MELBOURNE HOSPITAL, INC d/b/a
MELBOURNE REGIONAL MEDICAL CENTER;
STEWARD ROCKLEDGE HOSPITAL, INC. d/b/a
ROCKLEDGE REGIONAL MEDICAL CENTER;
RALPH DE LA TORRE; MICHAEL CALLUM;
DANIEL KNELL; JOSH PUTTER; TIM
CROWLEY AND JAMES RENNA,

Defendants.

Case No.: 3-21-cv-0870-S

STEWARD DEFENDANTS' MOTION TO DISMISS

Defendants Steward Health Care System, LLC; Steward Health Care Holdings, LLC; Steward Health Care Investors, LLC; Steward Physician Contracting, Inc; Steward Melbourne Hospital, Inc d/b/a Melbourne Regional Medical Center; Steward Rockledge Hospital, Inc. d/b/a Rockledge Regional Medical Center; Steward Sebastian River Medical Center, Inc. d/b/a Sebastian River Medical Center; and Ralph de la Torre (collectively, the “Steward Defendants”) respectfully move under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims asserted against them in relator Omni Healthcare, Inc.’s amended complaint (ECF No. 72). The grounds

for this motion are fully set forth in the Steward Defendants' accompanying brief in support of their motion to dismiss.

Dated: February 2, 2024

Respectfully submitted,

McDermott Will & Emery LLP

By: /s/ Kaylynn Webb
David Genender (Bar No. 00790757)
Kaylynn Webb (Bar No. 24118583)
2501 North Harwood Street, Suite 1900
Dallas, Texas 75201
(214) 295-8000
dgenender@mwe.com
kwebb@mwe.com

Mark W. Pearlstein (admitted *pro hac vice*)
200 Clarendon Street, Floor 58
Boston, Massachusetts 02116
(617) 535-4000
mpearlstein@mwe.com

Alexander Kritikos (admitted *pro hac vice*)
845 Texas Avenue, Suite 4000
Houston, TX 77002
(713) 653-1700
akritikos@mwe.com

Theodore E. Alexander (admitted *pro hac vice*)
500 North Capitol Street, N.W.
Washington, D.C. 20001
(202) 756-8000
talexander@mwe.com

[signature block continued on next page]

Attorneys for Steward Health Care System LLC; Steward Health Care Holdings LLC; Steward Health Care Investors, LLC; Steward Physician Contracting, Inc.; Steward Melbourne Hospital, Inc. d/b/a Melbourne Regional Medical Center; Steward Rockledge Hospital, Inc. d/b/a Rockledge Regional Medical Center; Sebastian River Hospital, Inc. d/b/a Sebastian River Medical Center; and Ralph de la Torre

CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2024, I electronically filed the foregoing document using the Court's ECF system, which will send notice of the filing to all counsel of record via e-mail.

/s/ Kaylynn Webb
Kaylynn Webb